



# City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

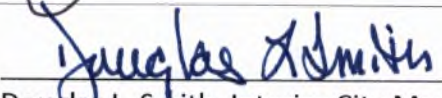
April 11, 2017

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special exception to operate an entertainment establishment with alcoholic beverages at 5957 East Virginia Beach Boulevard, Suite 10 – Palm Gardens II, LLC**

Reviewed:   
Wynter C. Benda, Deputy City Manager

Ward/Superward: 4/7

Approved:   
Douglas L. Smith, Interim City Manager

Item Number:

C-6

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:**  
Special exception to operate an entertainment establishment with alcoholic beverages.
- IV. **Applicant:** Robert L. Hucks
- V. **Description:**
  - This request will allow an existing entertainment establishment, Palm Gardens, which is located within the Military Crossing Shopping Center, to operate with new ownership/management.
  - Palm Gardens will operate using the same hours of operation, seating, and entertainment options.

	Current	Proposed
Hours of Operation, Sale of Alcohol, and Entertainment	11:00 a.m. until 2:00 a.m., Seven days a week	Same
Seating	213 seats indoors 0 seats outdoors 398 total capacity	Same

Entertainment Options	<ul style="list-style-type: none"> <li>• DJ</li> <li>• 6 Member Live Band</li> <li>• Karaoke</li> <li>• Comedian</li> <li>• Poetry Reading</li> </ul>	Same
-----------------------	---	------

**VI. Historic Resources Impacts:**

The site is not located in any local, state, or federal historic district.

**VII. Public Schools Impacts:**

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

Staff contact: Chris Whitney at (757) 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)

**Attachments:**

- Proponents and Opponents
- Staff Report to CPC dated March 23, 2017 with attachments
- Ordinance



**Planning Commission Public Hearing: March 23, 2017**

Executive Secretary: George M. Homewood, FAICP, CFM *GH*

Planner: Chris Whitney, CZA, CFM *CW*

<b>Staff Report</b>	<b>Item No. 12</b>	
<b>Address</b>	<b>5957 E. Virginia Beach Boulevard, Suite 10</b>	
<b>Applicant</b>	<b>Palm Gardens II, LLC</b>	
<b>Request</b>	<b>Special Exception</b>	Entertainment establishment with alcoholic beverages
<b>Property Owner</b>	Military Crossing Associates, LLC	
<b>Site Characteristics</b>	Site Area/Building Area	3.41 acres/7,080 sq. ft.
	Zoning	C-3 (Retail Center District) Military Crossing Localized Sign Overlay District
	Neighborhoods	Lake Taylor and Glenrock
	Character District	Suburban
<b>Surrounding Area</b>	North	C-3: nTelos Wireless C-2 (Corridor Commercial): Upscale Men's Fashion, Merchant's Tire and Auto Center, T-Mobile
	East	C-2: H&R Block, Signature Printing & Graphics
	South	C-3: Costco
	West	C-3: All About Children, Glenrock Masonic Hall





### A. Summary of Request

- This request will allow an existing entertainment establishment, Palm Gardens, which is located within the Military Crossing Shopping Center, to operate with new ownership/management.
- Palm Gardens will operate using the same hours of operation, seating, and entertainment options.

### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

### C. Zoning Analysis

#### i. General

- The site is located in the C-3 district, which permits the proposed use by special exception.
- This space was previously operated as an entertainment establishment, serving alcohol for on-premises consumption.
- Since there is a new owner/operator, a new special exception is required.

	Current	Proposed
Hours of Operation, Sale of Alcohol, and Entertainment	11:00 a.m. until 2:00 a.m., Seven days a week	Same
Seating	213 seats indoors 0 seats outdoors 398 total capacity	Same
Entertainment Options	<ul style="list-style-type: none"><li>• DJ</li><li>• 6 Member Live Band</li><li>• Karaoke</li><li>• Comedian</li><li>• Poetry Reading</li></ul>	Same

- Special exception history:

City Council Approval	Applicant	Changes
December 2013	Palm Gardens, LLC	Entertainment establishment
Pending	Palm Gardens II, LLC	New owner/operator

ii. Parking

This change in ownership of an existing entertainment establishment does not affect the parking requirement.

iii. Flood Zone

The property is located in the X (Low to Moderate) Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.
- E. Virginia Beach Boulevard adjacent to the site is identified as a severely congested corridor in the PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- The site is near transit services with the Hampton Roads Transit Military Circle Transfer Center located nearby which is served by bus routes 15 (Military), 20 (Virginia Beach), 23 (Princess Anne), and 25 (Newtown).
- E. Virginia Beach Boulevard adjacent to the site is an identified priority corridor in the *City of Norfolk Bicycle and Pedestrian Strategic Plan*.

**E. Historic Impacts**

The site is not located in any local, state, or federal historic district.

**F. Public School Impacts**

According to the *Existing ABC Establishments and Norfolk Public Schools Proximity Map* (see attached), the proposed property is not within 1,000 feet of a Norfolk Public School.

**G. Environmental Impacts**

- There are other commercial uses adjacent to the site and within the shopping center.
- By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

**H. Surrounding Area/Site Impacts**

- The continued operation of this entertainment establishment should not negatively impact the surrounding area.
- In the past year, there have been three calls for emergency service with no arrests made.
  - The calls for emergency service were all related to issues with a security alarm.

**I. Payment of Taxes**

The owner of the property is current on all real estate taxes.



**J. Civic League**

The application was sent to the Lake Taylor and Glenrock civic leagues on February 7.

**K. Communication Outreach/Notification**

- Legal notice was posted on the property on February 14.
- Letters were mailed to all property owners within 300 feet of the property on February 8.
- Legal notification was placed in *The Virginian-Pilot* on February 9 and February 16.

**Recommendation**

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not be less than 177 seats indoors, shall have no seats outdoors, and the total occupant capacity, including employees, shall not exceed 398 people.
- (c) No entertainment shall be permitted anywhere outside the building.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than six (6) members, disc jockey, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.
- (f) The dance floor shall not exceed 375 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.



- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas and the unshaded accesses, aisles, and other areas shown on the floor plans remain unobstructed.
- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall



govern.

- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (t) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this



section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
  - (9) The establishment's designated driver program; and
  - (10) The establishment's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.



**Attachments:**

General standards and considerations for special exception uses

Overview Map

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notice to the Lake Taylor and Glenrock Civic Leagues



## **25-7 - General standards and considerations for special exception uses.**

No application for a special exception shall be approved unless the city council, after review of the recommendation of the planning commission, shall determine that the proposed special exception use is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the special standards for specific uses. No application for a special exception shall be recommended or granted pursuant to this chapter unless the application is determined to be in compliance with the following:

- 25-7.1 *Compliance with ordinance and district purposes.* The proposed use and development will be in harmony with the objectives and policies of the adopted general plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established.
- 25-7.2 *No substantial impairment of property value.* The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- 25-7.3 *No undue adverse impact.* The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts.
- 25-7.4 *No interference with surrounding development.* The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- 25-7.5 *Adequate public facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools.
- 25-7.6 *No traffic congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- 25-7.7 *No destruction of significant features.* The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- 25-7.8 *No pollution of environment.* The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated.
- 25-7.9 *No negative cumulative effect.* The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole.
- 25-7.10 *Compliance with standards.* The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use.
- 25-7.11 *Payment of real estate taxes.* No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.



## **Proponents and Opponents**

### **Proponents**

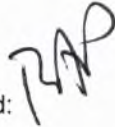
Robert Hucks – Applicant  
724 Tapestry Park Loop  
Chesapeake, VA 23320

Ray Palmer

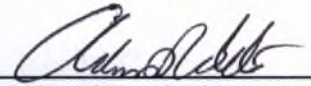
Aswad Arazi

### **Opponents**

None

Form and Correctness Approved: 

By

  
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved: 

By

  
DEPT.

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "PALM GARDENS II" ON PROPERTY LOCATED AT 5957 EAST VIRGINIA BEACH BOULEVARD, SUITE 10.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Palm Gardens II, LLC authorizing the operation of an entertainment establishment with alcoholic beverages known as "Palm Gardens II" on property located at 5957 East Virginia Beach Boulevard, Suite 10. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 471 feet, more or less, along the southern line of East Virginia Beach Boulevard beginning 115 feet, more or less, from the eastern line of Glenrock Road and extending eastwardly; property also fronts 762 feet, more or less, along the eastern line of Glenrock Road beginning 100 feet, more or less, from the southern line of East Virginia Beach Boulevard and extending southwardly and front 50 feet, more or less, along the southern terminus of Vulcan Avenue; premises numbered 5957 East Virginia Beach Boulevard, Suite 10.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not be less



than 177 seats indoors, shall have no seats outdoors, and the total occupant capacity, including employees, shall not exceed 398 people.

- (c) No entertainment shall be permitted anywhere outside the building.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall be limited to live bands having no more than six (6) members, disc jockey, karaoke, comedian, and poetry reading. No other form of entertainment is permitted.
- (f) The dance floor shall not exceed 375 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B." Any tables, chairs, booths, stools or other movable furniture may be relocated provided that it remains only within the shaded areas and the unshaded accesses, aisles, and other areas shown on the floor plans remain unobstructed.
- (h) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being

provided.

- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.



- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (s) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (t) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 200 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special

events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

(u) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

(v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This special exception;
- (2) Any ABC license(s);
- (3) Any occupancy permit(s);
- (4) Certifications of all persons who work on the premises as a security guard;
- (5) All fire code certifications, including alarm and sprinkler inspection records;
- (6) Any health department permit(s);
- (7) The emergency action plan required under the Fire Prevention Code;
- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.

(w) A copy of this Adult Use Special Exception



ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an Entertainment Establishment on this property, adopted on December 10, 2013, (Ordinance No. 45,373) and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (2 pages)



**EXHIBIT "A"**  
**Description of Operations**  
**Entertainment Establishment**  
**(Please Print)**

Date 1-23-17

Trade name of business Palm Gardens, II, LLC.

Address of business 5957 E. Virginia Beach Blvd. Suite 10

Name(s) of business owner(s) Robert Hucks

Name(s) of property owner(s) Military Crossing Associates, LLC

Name(s) of business manager(s)/operator(s) Robert Hucks, Karen Belcher,  
Antoinette Justice

Daytime telephone number (757) 541-0121, 757-478-2887

\*If business or property owner is a partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

**1. Proposed Hours of Operation:**

<u>Facility</u>	<u>Alcoholic Beverage Sales and Entertainment</u>
Weekday From <u>11 Am</u> To <u>2 Am</u>	Weekday From <u>11 Am</u> To <u>2 Am</u>
Friday From <u>11 Am</u> To <u>2 Am</u>	Friday From <u>11 Am</u> To <u>2 Am</u>
Saturday From <u>11 Am</u> To <u>2 Am</u>	Saturday From <u>11 Am</u> To <u>2 Am</u>
Sunday From <u>11 Am</u> To <u>2 Am</u>	Sunday From <u>11 Am</u> To <u>2 Am</u>

**2. Type of ABC license applied for (check all applicable boxes):**

☒ On-Premises ☐ Off-Premises (second application required)

**3. Type of alcoholic beverage applied for:**

☒ Beer ☒ Wine ☒ Mixed Beverage

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**Exhibit A – Page 2**  
**Entertainment Establishment**

4. Will video games, pool tables, game boards or other types of games be provided?  
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

---

---

5. Will patrons ever be charged to enter the establishment?  
☒ Yes ☐ No

5a. If yes, why:

Door charge for Live Entertainment.

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday  
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?  
☒ Yes ☐ No

6a. If yes, explain:

For business luncheons, military retirement Parties

7. Will a third party (promoter) be permitted to lease, let or use the establishment?  
☐ Yes ☒ No

7a. If yes, explain:

---

---

8. Will there ever be a minimum age limit?  
☒ Yes ☐ No

**Exhibit A – Page 3**  
**Entertainment Establishment**

9. Additional comments/description/operational characteristics or prior experience:

ipalm Palm Gardens II, LLC is a southern  
style restaurant + eating facility. I have been  
a restaurant owner for 11 years.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Robert Hucks

**Signature of Applicant**

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



1

# Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

## 1. Total capacity

### a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

192  
21  
121

### b. Outdoor

Number of seats

0

### c. Number of employees

14

## Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 348

## 2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

6 member Live Band

## 3. Will a dance floor be provided?

☒ Yes ☐ No

### 3a. If yes,

Square footage of establishment 7080

Square footage of dance floor 0

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT


810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

# Exhibit B

	<b>GMF+ ASSOCIATES</b> 4355 BONNEY ROAD BUILDING 3, SUITE 102 VIRGINIA BEACH, VA 23452 757 498-9800 WEBSITE www.gmfplus.com
---	---

BUILDING PARAMETERS	
ASSEMBLY AREAS (TABLE & CHAIR)	4,040 sqft
ASSEMBLY AREAS (BAR/FIXED SEATING)	630 sqft
COMMERCIAL KITCHEN	1,295 sqft
ACCESSORY SPACES	615 sqft
<b>BUILDING TOTAL</b>	<b>7,680 sqft</b>

BUILDING CLASSIFICATION	
USE GROUP : A-2 (ASSEMBLY), RESTAURANT	
TYPE CONSTRUCTION : I-B	(NON-COMBUSTIBLE, UNPROTECTED)
OCCUPANCY LOAD :	
ASSEMBLY (TABLE & CHAIR)	270 (15 NET SF./ PERSON )
FIXED SEAT (BOOTH & BAR)	65 (45 booth seats, 21 bar seats)
COMMERCIAL KITCHEN	9 (200 CROSS SF./ PERSON )
ACCESSORY	3 (300 CROSS SF./ PERSON )
TOTAL OCCUPANCY	348
TOTAL SEATING CAPACITY	253
CODE & EDITION EMPLOYED :	
THE I.B.C. (INTERNATIONAL BUILDING CODE) 2009, AS AMENDED BY THE STATE	

PLUMBING FIXTURE TABULATION			
OCCUPANCY :	FIXTURE REQMT:	NSF	WOMEN
ASSEMBLY (1/40) (1/40)		5	5
TOTAL REQUIRED		5	5
TOTAL PROVIDED		5	5



SHT. : SE-1

USE : RESTAURANT 1

DATE : SEPTEMBER 16, 2013

SCALE : As Noted

DRAWN : CLE

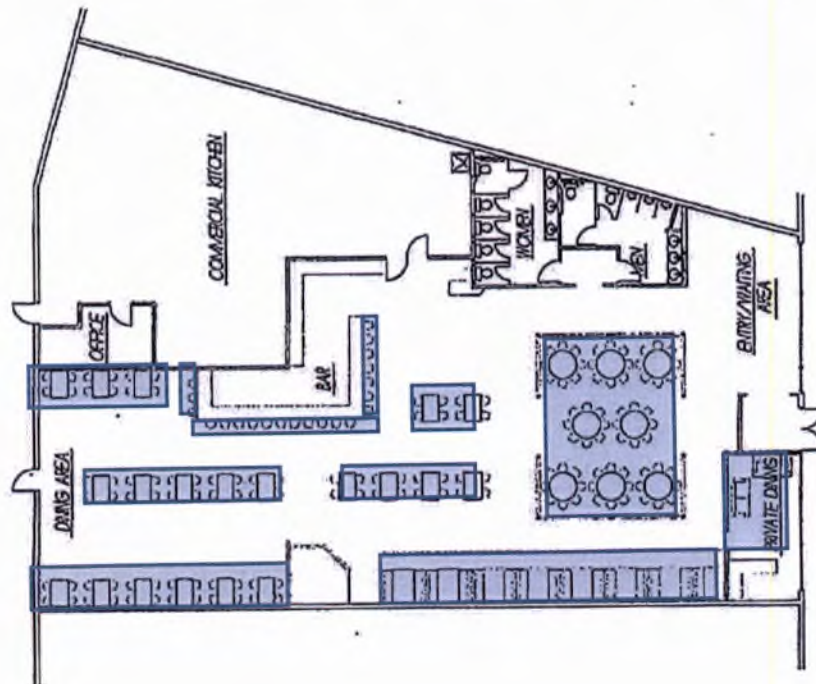
## PALM GARDENS RESTAURANT

AN APPLICATION FOR AN ADULT USE SPECIAL  
EXCEPTION FOR AN EXISTING ENTERTAINMENT ESTABLISHMENT

FOR :

MIKE PALMER

5957 EAST VIRGINIA BEACH BLVD., NORFOLK, VA



1 FLOORPLAN





**GMF+ASSOCIATES**

4356 BONNEY ROAD  
BUILDING 3, SUITE 102  
VIRGINIA BEACH, VA 23452  
757 498-9800  
www.gmfpa.com

**BUILDING PARAMETERS**

ASSEMBLY AREAS (TABLE & CHAIR)	3,665 sqft
ASSEMBLY AREAS (DANCE FLOOR)	375 sqft
ASSEMBLY AREAS (BAR/FIXED SEATING)	650 sqft
COMMERCIAL KITCHEN	4,790 sqft
ACCESSORY SPACES	615 sqft
<b>BUILDING TOTAL</b>	<b>7,000 sqft</b>

**BUILDING CLASSIFICATION**

USE GROUP : A-2 (ASSEMBLY), RESTAURANT

TYPE CONSTRUCTION : I-B  
(NON-COMBUSTIBLE, UNPROTECTED)

**OCCUPANCY LOAD :**

ASSEMBLY (TABLE & CHAIR) 240' 15 NET S.F./ PERSON  
(111 seats, 134 standing)

ASSEMBLY (STANDING) 70' 5 NET S.F./ PERSON  
(21 seats, 21 bar seats)

FIXED SEAT (BOOTH & BAR) 9' 200 GROSS S.F./ PERSON  
(300 GROSS S.F./ PERSON)

COMMERCIAL KITCHEN ACCESSORY

**TOTAL OCCUPANCY** 358

**TOTAL SEATING CAPACITY** 177


**CODE & EDITION EMPLOYED :**

THE I.B.C. (INTERNATIONAL BUILDING CODE) 2009, AS AMENDED BY THE STATE

**PLUMBING FIXTURE TABULATION**

**OCCUPANCY :**

	FIXTURE REQMT:	MEN	WOMEN
ASSEMBLY (1/40) (1/40)		5	5
<b>TOTAL REQUIRED</b>		<b>5</b>	<b>5</b>
<b>TOTAL PROVIDED</b>		<b>5</b>	<b>5</b>



SHT. : SE-2

USE : RESTAURANT 2

DATE : SEPTEMBER 16, 2010

SCALE : As Noted

DRAWN : CLE

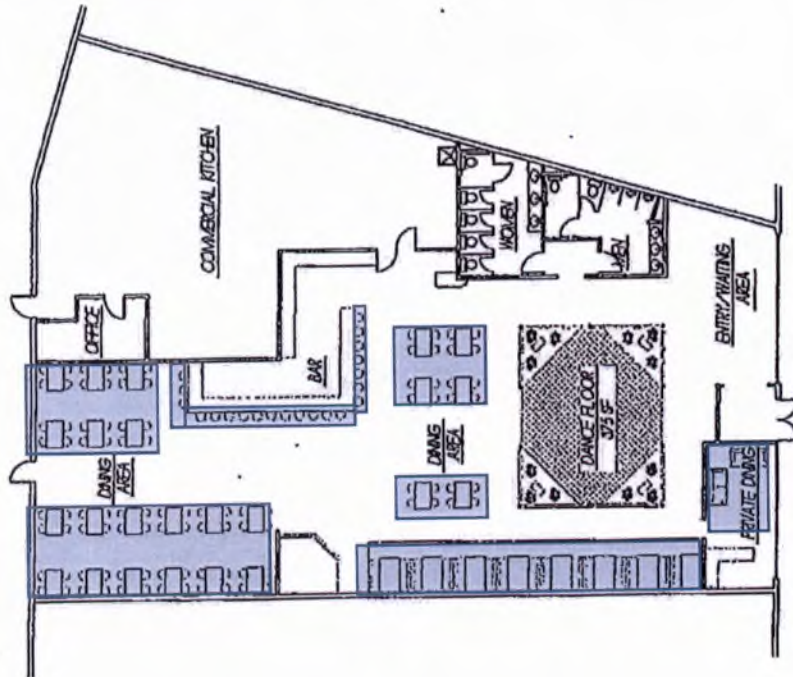
**PALM GARDENS RESTAURANT**

AN APPLICATION FOR AN ADULT USE SPECIAL  
EXCEPTION FOR AN EXISTING ENTERTAINMENT ESTABLISHMENT

FOR :

**MIKE PALMER**

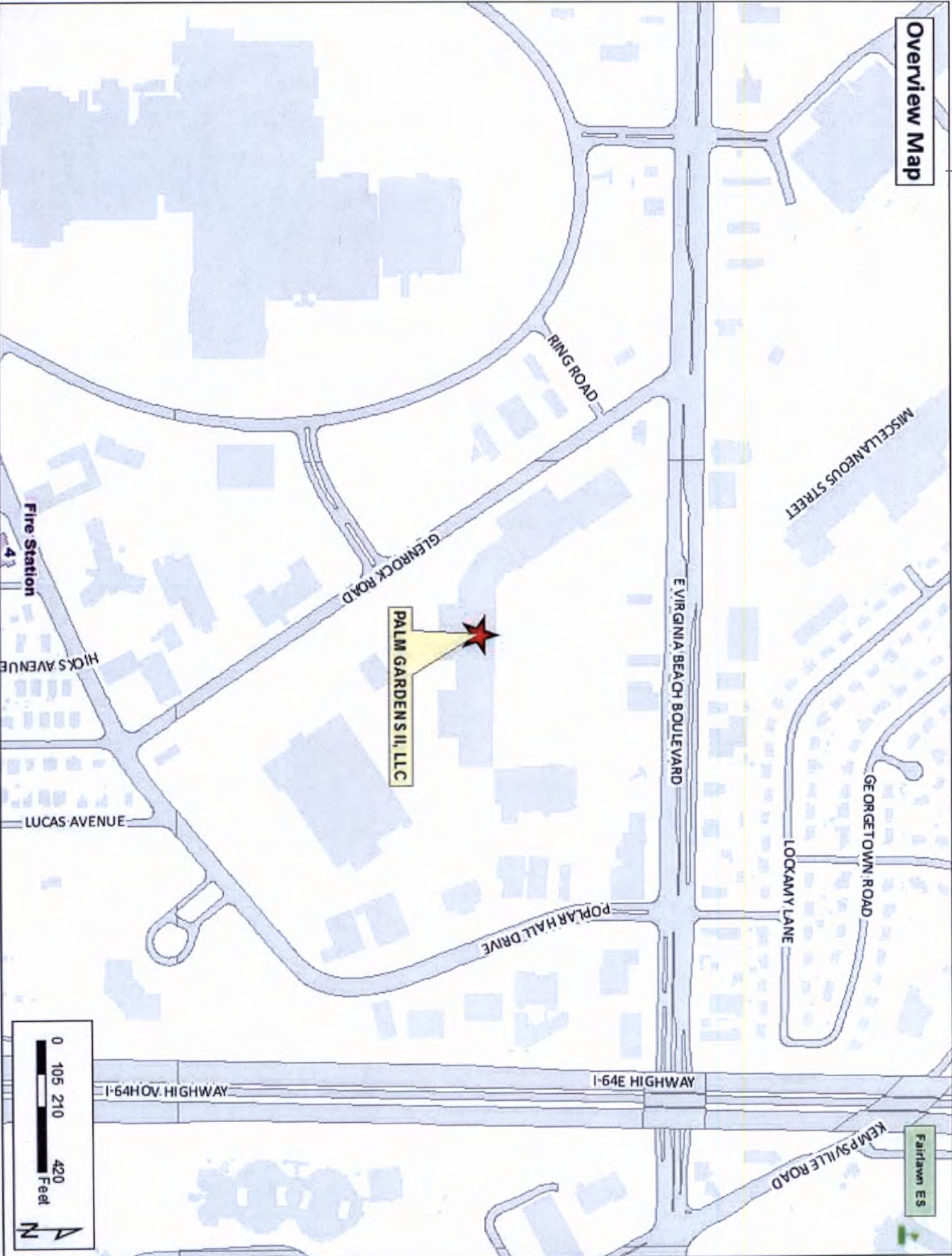
5957 EAST VIRGINIA BEACH BLVD, NORFOLK VA



**1 FLOORPLAN**



Overview Map





Location Map



RING ROAD

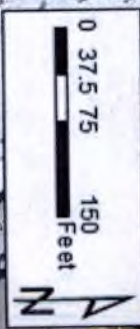
GLENROCK ROAD

RING ROAD

PALM GARDENS II, LLC

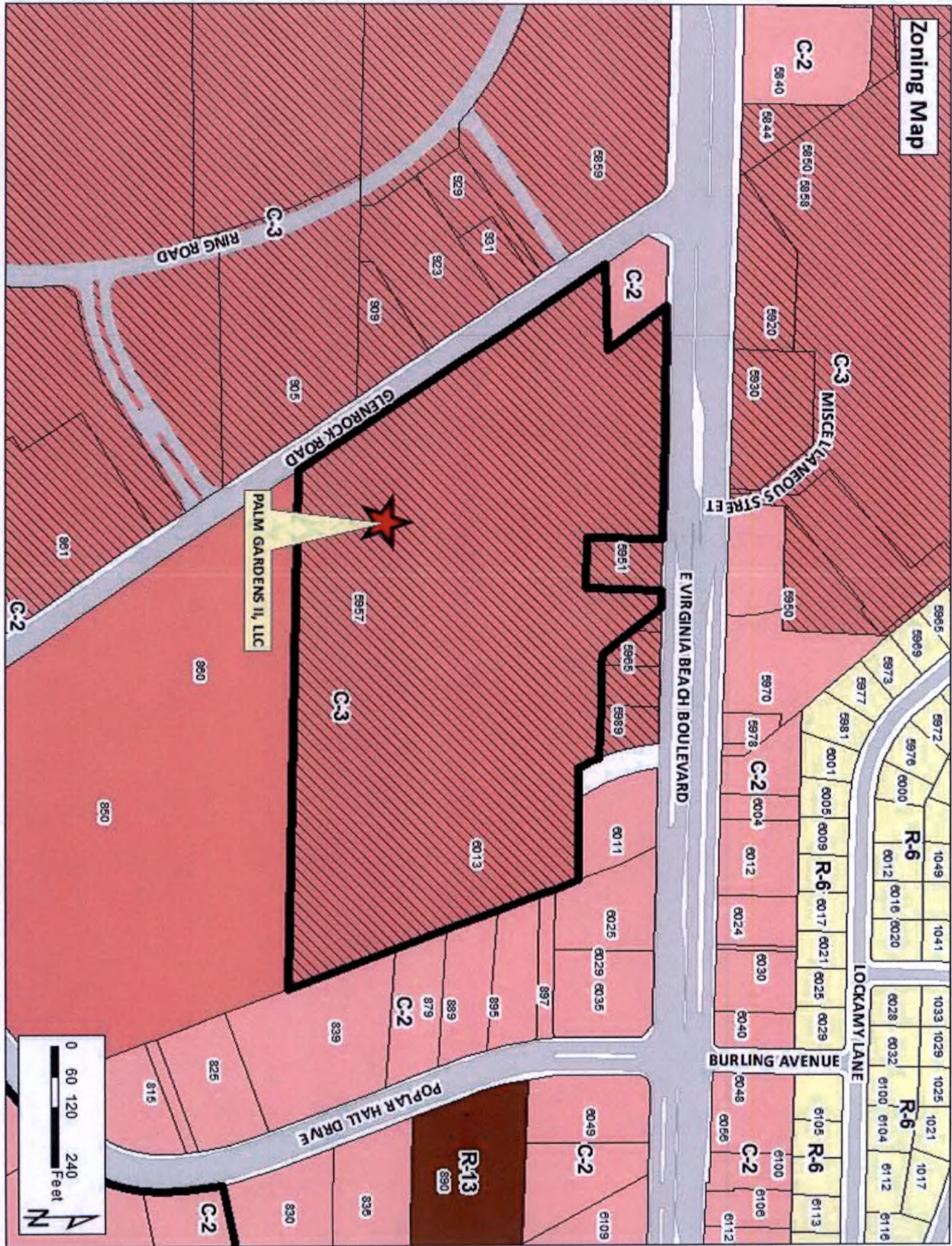
VULCAN AVENUE

E VIRGINIA BEACH BOULEVARD



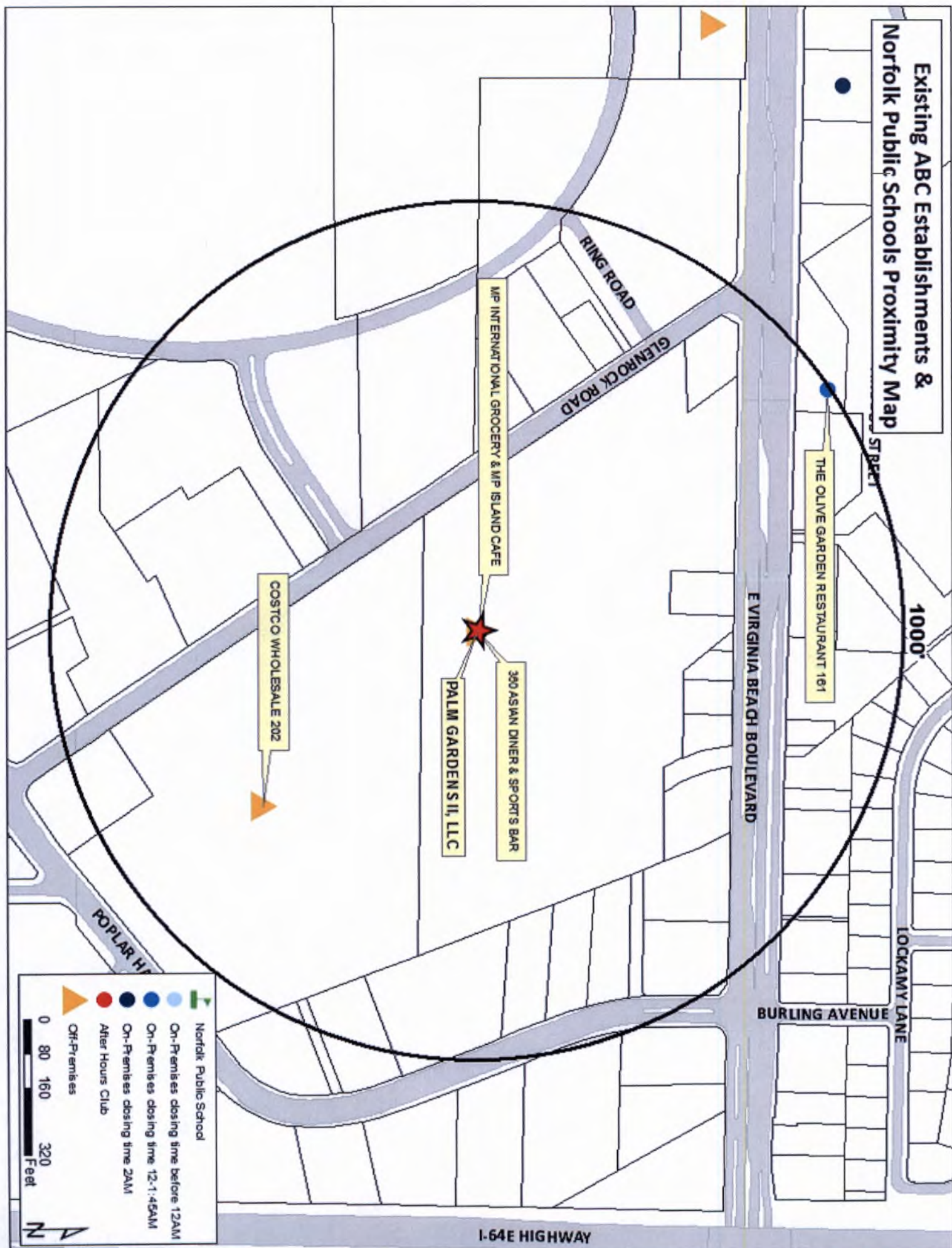


**Zoning Map**





# Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ENTERTAINMENT ESTABLISHMENT  
(Please Print)**

Date 1-23-17

**DESCRIPTION OF PROPERTY**

Address 5957 E. Virginia Beach Blvd, Norfolk, VA. 23502 <sup>Suite 10</sup>

Existing Use of Property Entertainment Establishment

Proposed Use Entertainment Restaurant

Current Building Square Footage 7080 sf

Proposed Building Square Footage 7080 sf

Trade Name of Business (If applicable) Palm Gardens, II, LLC.

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Hucks — (First) Robert (MI) L

Mailing address of applicant (Street/P.O. Box): 724 Tapestry Park Loop Apt. 128

(City) Chesapeake — (State) Virginia (Zip Code) 23320

Daytime telephone number of applicant (757) 478-2887 Fax (757) 462-1947

E-mail address of applicant: robert hucks 724@gmail.com.

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**Application  
Entertainment Establishment  
Page 2**

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Hucks (First) Robert (MI) L

Mailing address of applicant (Street/P.O. Box): 724 Tapestry Park Loop, Apt. 128

(City) Chesapeake (State) Virginia (Zip Code) 23320

Daytime telephone number of applicant (757) 478-2887 Fax (757) 962-1947

E-mail address of applicant: robert+hucks724@gmail.com

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Shaska (First) Robert (MI)

Mailing address of property owner (Street/P.O. box): 550 Mamaroneck Ave, Suite, 411

(City) Harrison (State) New York (Zip Code) 10528

Daytime telephone number of owner (914) 318-8041 email: rshashaa@cotsworldgroup.  
inc.com.

**CIVIC LEAGUE INFORMATION**

Civic League contact: Popular Hall Civil League

Date(s) contacted: 1-23-17

Ward/Super Ward information: Angelia Graves, Burrell Corbin

Application  
Entertainment Establishment  
Page 3

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Military Crossing Sign: [Signature] 1/18/17  
(Property Owner or Authorized Agent of Signature) (Date)  
ASSOCIATES, LLC

Print name: Robert Hucks Sign: 01 1231 2017  
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: ~~Robert Shasha~~ Sign: 1 1  
(Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



# **Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

## **1. Total capacity**

### **a. Indoor**

Number of seats (not including bar seats)  
Number of bar seats  
Standing room

156  
21  
203

### **b. Outdoor**

Number of seats

0

### **c. Number of employees**

10

## **Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 398

## **2. Entertainment**

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

6 member Live Band, DJ

## **3. Will a dance floor be provided?**

☒ Yes      ☐ No

### **3a. If yes,**

Square footage of establishment 7080 SF  
Square footage of dance floor 375 SF

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508  
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

# SECURITY PLAN

Robert L. Hucks  
Palm Gardens II, LLC  
5957 E. Virginia Beach Blvd.  
Norfolk, Virginia 23502

## Definition of "Security"

1. Freedom from danger, risk, safety, etc:.
2. Freedom from worry, anxiety, or doubt: protection; well-founded confidence.
3. Something that secures or make safe; protection; defense.
4. Precautions taken to guard against crime, attack, etc.

## Goals:

- To create a safe and secure environment within Palm Gardens.
- To provide a level of control and safety for all arriving and departing guest of Palm Gardens.
- To mitigate any noise or inappropriate conduct by patrons of Palm Gardens entering or leaving the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous stimulations before any injury to any person or propety' may occur. The Palm Gardens staff team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety of the public.
- To ensure a complete, orderly, safe, and swift evacuation of the facility a case of fire, explosion, or any other uncontrolled dangers within the building.



- To protect and promote the courteous, inviting and hospitable character of the neighborhood and in the City of Norfolk.

### Features or the Plan:

Staff members: Will ensure all patrons and staff or safe.

### Rules and Reaulations:

Dress Code — No ball Caps, Plain white tees, or doo rags,

Age limit is 21

No controlled substances are permitted such as guns, tasers, knives, Any type of sprays or any items that maybe used as a weapon. These Policies will be enforced against patrons in violation by the door staff.

Bartenders will stay in compliance the Virginia ABC regulations when serving our customers.

### Access:

Parking Lot Staff will be responsible for making sure our patrons get to and from there vehicles safely by policing the parking lot and making sure no one is hanging out by asking everyone to leave the parking lot immediately after leaving the restaurant.

### Integration:

We will support and cooperate with the law enforcement in all situations necessary whether it is with the commission of a crime or just routine inspections. We plan to meet with our neighboring business to inform them of our new plan of business, and answering any questions or concerns that they may have.

### Uniform for Staff Team:

Our Team will wear black button up shirts.



## General Duties and Responsibilities:

Each Staff member will be trained to set up and control queuing in accordance with any floor plans approved through the City's special exception process. All members shall work to maintain order within the facility and outside in the immediate surroundings so as to prevent any activity which would interfere with the quiet enjoyment of nearby property owners and leaseholders. All staff members will coordinate with any personnel who may be hired by the property owner to provide security immediately outside of the facility and will be responsible for communicating wait times and cut-offs for any prospective patron queuing up to gain entry. All team members will be knowledgeable of each other's duties and responsibilities so as to be able to assist one another whenever necessary.

**IT IS THE DUTY OF EVERY MEMBER OF THE TEAM TO PROTECT THE ESTABLISHMENT, its PATRONS, AND EMPLOYEES FROM ANY AND ALL PERCEIVED AND REAL THREATING SITUATIONS.**

### Staff Team Leader:

- Supervise all staff members and monitor all members' compliance with this security plan.
- Enforce occupancy limits in accordance with any floor plans approved through the City's special exceptions process. The leader may rely on information about the number of patrons entering and leaving the facility that might be gathered by other members of the staff team.
- Move entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits. • Liaison to state and city enforcement officers and emergency responders.
- Coordinate configuration of the floor plan on a daily basis under the direction of the general manager and in accordance with any floor plans approved through the City's special exception process.
- Provide and or arrange accompaniment for employees departing at the end of the shift.



- During emergency evacuation, ensure that all security team members are properly executing emergency duties and responsibilities.

### Door Staff:

- Control Activity at main entrance at all times, monitoring entry of patrons and maintaining a clear egress.
- Control access to the venue.
- Check for proper identification of patrons seeking to enter the venue. • Enforce dress code, age limitation, legitimacy of identification cards (Watching out for counterfeit ID's) and code of conduct.
- Enforce restrictions on contraband by employing one or more of the following techniques: searching of bags/purses, metal-detectors wands, and pat-downs.
- Keep count all persons entering and leaving the venue.
- Direct patrons during emergency evacuation, out of exits and to a location far enough from building to be safe and to allow room for other patrons to continue to move away from building and assemble.

### Roving Staff:

- Monitor continual compliance with Virginia ABC regulations.
- Identify and address hazards as they arise throughout the facility.
- Maintain security around bar areas
- Maintain security in restrooms and corridor.
- Rove entire venue during operating hours to ensure patron flow and maintained of open aisles and clear pathways to exits.
- Check emergency exits regularly to ensure they are clear and accessible.
- During emergency evacuation report to back door exit all persons on stage, dance floor and DJ area use exit near stage at the rear.

### Parking lot staff:

Staff Member will be on duty to prevent altercations and vandalism. As patrons exit the venue staff will move the potential crowd before it forms. While watching out for intoxicated customers in the event customer is too impaired to drive safely we will try to persuade the customer not to drive, and arrange for a safe ride. While thanking customers for coming out, Staff will ask patrons to move off sidewalks and to go to their vehicles to protect innocent bystanders.

### Communication:

Staff Members will carry hand — held radio with earpiece and microphone this will be utilized as warranted, particularly for personnel who need to have both hands free in order execute their responsibilities. The team will also use flashlights as a backup form of communication inside the facility when ever the situation warrants.

### Emergency Evacuation Plan

In the event of an emergency necessitating the evacuation of the restaurant, or any portion thereof, the Head staff in charge will immediately make repeated announcements over the microphone that an emergency exists and that all persons will evacuate the building in an orderly manner.

Patrons will use the front exits and meet in the center of the parking lot 100 feet away from the building once in safe distance of building patrons will assemble. In the event the front exit is block then the back exit will be used as an alternate.

In the event one of the exits is blocked patrons will be directed to next nearest exit.



**Palm Gardens, LLC - Notification sent to all Property Owners within 300 feet**

Property Owner	Property Address	Mailing Address	
Pointer, Mary Sue Cox Trust	5844 E Virginia Beach Blvd	Po Box 318	White Stone VA
Gmaccms 2004-C2 Military Circle Mall, Llc	5859 E Virginia Beach Blvd	475 5th Ave	New York NY
Mariner Investments Ltd - Lessee	5900 E Virginia Beach Blvd	8504 Sanford Dr # 6	Richmond VA
		5900 E Virginia Beach Blvd	
Janaf Shopping Center	5900 E Virginia Beach Blvd	Ste 520	Norfolk VA
Gossett, Larry S	5901 E Virginia Beach Blvd	3469 N Military Hwy	Norfolk VA
		5900 E Virginia Beach Blvd	
Janaf Associates Ltd Partnership	5920 E Virginia Beach Blvd	Ste 520	Norfolk VA
Military Crossing Associates Lc	5927 E Virginia Beach Blvd	550 Mamaroneck Ave Ste	Harrison NY
		5900 E Virginia Beach Blvd	
Janaf Associates Ltd Partnership	5930 E Virginia Beach Blvd	Ste 520	Norfolk VA
		5900 E Virginia Beach Blvd	
Janaf Associates Ltd Partnership	5950 E Virginia Beach Blvd	Ste 520	Norfolk VA
Grand Caf Associates, Llc	5951 E Virginia Beach Blvd	4701 Columbus St Ste 300	Virginia Beach VA
Norfolk Mufflers, Inc.	5961 E Virginia Beach Blvd	5965 E Virginia Beach Blvd	Norfolk VA
Billioni, Carl V & Phyllis C	5965 E Virginia Beach Blvd	1005 Cherry Ave	San Jose CA
		5900 E Virginia Beach Blvd	
Janaf Associates Ltd Partnership	5970 E Virginia Beach Blvd	Ste 520	Norfolk VA
Wong, Edward S S & Ping H C	5978 E Virginia Beach Blvd	809 Costa Grande Dr	Virginia Beach VA
Adler Family Ltd Ptshp, The	5989 E Virginia Beach Blvd	11940 Hall Shop Rd	Clarksville MD
6000 Investment, Llc	6000 E Virginia Beach Blvd	6000 E Virginia Beach Blvd	Norfolk VA
6004 Investment, Llc	6004 E Virginia Beach Blvd	6000 E Virginia Beach Blvd	Norfolk VA
H Tran Llc	6011 E Virginia Beach Blvd	4026 Tanglewood Trl	Chesapeake VA
6012 Investment, Llc	6012 E Virginia Beach Blvd	6000 E Virginia Beach Blvd	Norfolk VA
American Turkish Friendship Association, Inc	6024 E Virginia Beach Blvd	3949 University Dr	Fairfax VA
Kramer Stores Lp	6025 E Virginia Beach Blvd	200 Holleder Pkwy	Rochester NY
			Farmington
Hampton Mercury Investment Co	6035 E Virginia Beach Blvd	27750 Stanbury, Suite 200	Hills MI
Jmrs Properties, Llc	825 Poplar Hall Dr	1001 Port Walthall Dr	Colonial Heights VA
Messer 839 Poplar Hall Drive, Llc	839 Poplar Hall Dr	820 Moultrie Ct	Virginia Beach VA
Price Club East, Inc	850 Glenrock Rd	999 Lake Dr	Issaquah WA
Baylor Enterprises Llc	863 Glenrock Rd	248 W Bute St Unit 200	Norfolk VA
D & J Leasing Inc	879 Poplar Hall Dr	5725 Arrowhead Dr	Virginia Beach VA
Gmaccms 2004-C2 Military Circle Mall, Llc	880 N Military Hwy	475 5th Ave	New York NY
Reda & Sons	889 Poplar Hall Dr	889 Poplar Hall Dr	Norfolk VA
Kh Hr Two Poplar Hall Llc	895 Poplar Hall Dr	5601 Virginia Beach Blvd	Virginia Beach VA
Military Crossing Associates Lc	897 Poplar Hall Dr	897 Poplar Hall Dr	Norfolk VA
Gmaccms 2004-C2 Military Circle Mall, Llc	905 Glenrock Rd	475 5th Ave	New York NY
Capital Finance Inc	909 Glenrock Rd	4125 Portsmouth Blvd	Portsmouth VA
923, Llc	923 Glenrock Rd	105 84th St	Virginia Beach VA
Life Fed Savs & Loan Assoc	929 Glenrock Rd	109 E Main St	Norfolk VA
Gmaccms 2004-C2 Military Circle Mall, Llc	931 Glenrock Rd	475 5th Ave	New York NY
Wong, Edward S S & Ping H C	N S E Virginia Beach Blvd	809 Costa Grande Dr	Virginia Beach VA
B & G Specialties Inc Et Al	W S Poplar Hall Dr	815 Poplar Hall Dr	Norfolk VA

## Whitney, Chris

---

**From:** McDonald, Colette  
**Sent:** Tuesday, February 07, 2017 3:21 PM  
**To:** 'bccorbin1@verizon.net'; 'laketailorcivicleague@gmail.com'  
**Cc:** Riddick, Paul; Graves, Angelia; Howard, Oneiceia; Whitney, Chris  
**Subject:** New Planning Commission Application - 5957 E. Virginia Beach Boulevard, Suite 10.  
**Attachments:** Application.pdf

Mr. Speight and Mr. Corbin,

Attached please find an application from **PALM GARDENS II, LLC**, for a special exception to operate an entertainment establishment with alcoholic beverages at 5957 E. Virginia Beach Boulevard, Suite 10.

*Staff contact: Chris Whitney at (757) 823-1253, [chris.whitney@norfolk.gov](mailto:chris.whitney@norfolk.gov)*

This item is tentatively scheduled for the March 23, 2017 Planning Commission public hearing.

Thank you,

Colette McDonald  
City of Norfolk Planning Technician



Planning Department  
810 Union Street | Suite 508  
Norfolk, VA 23510  
Email | [Colette.McDonald@Norfolk.gov](mailto:Colette.McDonald@Norfolk.gov)  
Phone | (757) 664-6771